

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Einar Stole on December 11, 2009.

The application has been amended as follows:

In the claims:

In claim 23, line 8, "in" has been deleted and --- within --- has been inserted.

In claim 106, line 6, "in" has been deleted and --- within --- has been inserted.

In claim 106, line 5, "," has been deleted and --- or --- has been inserted.

In claim 106, line 6, "or" copper hydroxide" has been deleted.

In claim 116, line 5, "in" has been deleted and --- within --- has been inserted.

In claim 129, line 6, "in" has been deleted and --- within --- has been inserted.

In claim 133, line 5, "in" has been deleted and --- within --- has been inserted.

In claim 133, line 3, "milled to" has been deleted.

In claim 137, line 5, "in" has been deleted and --- within --- has been inserted.

In claim 141, line 5 "in" has been deleted and --- within --- has been inserted.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The instant invention claims a method to treat a wood a copper particulate compound combined with one or more organic biocides.

The closest prior art references that relate to the claimed invention is Kurozumi Tadatoshi (JP 2000141316). The closest prior art teaches a modified wood and method of manufacturing said wood by fixing a colloidal metallic compound selected from the group consisting of insoluble copper metal oxides are fixed to the wood surface with no penetration into the inner wood in a short period while the woody tissue remains protected and functions as flame retardance, insect proofing, rot proofing and dimensional stability are conferred (pages 6-8, [0007- 0010] of JP 2000141316). However, the prior art does not teach or fairly suggest the instant invention wherein the claimed method wherein the particulate compound composition is distributed within the wood product to render said wood product resistant to fungal decay.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 23, 29, 31, 96-99, 106-111, 114, 116-118, 121, 129, 133, 137, 141, 145-148 and 154-156 [renumbered as **1-29**] are allowed.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR Only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Courtney Brown, whose telephone number is 571-270-3284. The examiner can normally be reached on Monday-Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Courtney A. Brown
Patent Examiner
Technology Center
Group Art Unit 1616

Application/Control Number: 10/821,326

Page 5

Art Unit: 1616

/Johann R. Richter/

Supervisory Patent Examiner, Art Unit 1616